

Message Text

CONFIDENTIAL

PAGE 01 NEW DE 05724 212009Z
ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 DHA-02 IO-13 /071 W
-----221156Z 051069 /21

R 211206Z APR 77
FM AMEMBASSY NEW DELHI
TO SECCSTATE WASHDC 2862
INFO AMEMBASSY COLOMBO
AMEMBASSY DACCA
AMEMBASSY ISLAMABAD
AMEMBASSY KATHMANDU
AMCONSUL CALCUTTA

C O N F I D E N T I A L NEW DELHI 5724

E.O. 11652: GDS
TAGS: PFOR IN PINT
SUBJECT: INDO-NEPALESE RELATIONS: THE PROBLEM OF HUMAN RIGHTS,
THE B.P. KOIRALA CASE

REF: (A) KATHMANDU 1618 (NOTAL)
(B) NEW DELHI 5201
(C) NEW DELHI 5518

1. ON APRIL 11 AN APPEAL OF THE ELDER STATESMAN OF THE
RULING JANATA PARTY, J.P. NARAYAN, WAS RELEASED CALLING
FOR THE FREEING OF NEPALI CONGRESS LEADER B.P. KOIRALA AND
THE DEMOCRATIZATION OF NEPAL (REF B). THIS WAS FOLLOWED
BY THE FORMATION OF A CITIZEN'S COMMITTEE FOR THE RELEASE
OF KOIRALA, WHICH INCLUDED SENIOR JANATA LEADERS (REF C).
THUS FAR THE GOI HAS NOT TAKEN A PUBLIC POSITION ON THE
KOIRALA CASE, AND IT APPEARS UNLIKELY THAT IT WILL DO SO.
THE COUNSELOR FOR THE NEPALESE EMBASSY, JAI RANA, TOLD
AN EMBOFF ON APRIL 19 THAT JANATA PARTY GENERAL SECRETARY
SURENDRA MOHAN HAD PETITIONED THE FOREIGN MINISTER TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 NEW DE 05724 212009Z

INTERVENE WITH THE GON TO OBTAIN KOIRALA'S RELEASE BUT WAS
REFUSED. THIS REQUEST PRESUMABLE WAS MADE SUBSEQUENT
TO THE RELEASE OF J.P.'S STATMENT ON APRIL 11.

2. V.M. TARKUNDE, A FORMER JUSTICE OF THE BOMBAY HIGH
COURT AND A PROMINENT MEMBER OF THE CITIZEN'S COMMITTEE
MENTIONED ABOVE, TOLD AN EMBOFF ON APRIL 21 THAT HIS

COMMITTEE DID NOT SEEK GOI INTERVENTION IN THE KOIRALA CASE, AT LEAST NOT TO THE POINT OF ASKING IT TO TAKE A PUBLIC POSITION. WHILE THE CARTER ADMINISTRATION COULD AND SHOULD SPEAK OUT ON QUESTIONS OF HUMAN RIGHTS, TARKUNDE THOUGHT THE NEW INDIAN GOVERNMENT WAS NOT SUFFICIENTLY STRONG--IT HAD TOO MANY PROBLEMS--TO DO SO.

3. TARKUNDE EXPLAINED THAT HIS COMMITTEE WOULD CONCERN ITSELF ONLY WITH PROBLEMS OF HUMAN RIGHTS IN NEPAL, AS ENUMERATED IN UN CONVENTIONS, WHICH DID NOT INCLUDE THE RIGHT TO VOTE. THEY WOULD THEREFORE NOT RAISE THE ISSUE OF THE LACK OF DEMOCRACY IN NEPAL. TARKUNDE CONCEDED THE RIGHT OF THE GON TO TRY KOIRALA ON CRIMINAL CHARGES BUT OBJECTED TO HIS HAVING BEEN DETAINED THUS FAR WITHOUT CHARGES. HIS COMMITTEE WOULD INSIST THAT KOIRALA BE TRIED ACCORDING TO INTERNATIONALLY RECOGNIZED STANDARDS OF PROCEDURAL AND SUBSTANTIVE JUSTICE.

4. NEPALESE COUNSELOR RANA, ON THE OTHER HAND, TOOK STRONG EXCEPTION TO WHAT HE CHARACTERIZED AS INDIAN INTERFERENCE IN NEPALESE AFFAIRS. HE ARGUED THAT NO HUMAN RIGHTS ISSUES WERE INVOLVED IN THE KOIRALA CASE AND THAT IT WAS MERELY A MATTER OF A SOVEREIGN STATE DEALING WITH CRIMINAL ACTIVITY. RANA RELUCTANTLY CONCEDED THAT A HUMAN RIGHTS QUESTION MIGHT ARISE IF KOIRALA WERE TRIED SECRETLY, BUT SAID THAT CONTRARY TO REPORTS IN INDIA KOIRALA HAD NOT YET BEEN TRIED. HE DID NOT PREDICT WHEN THAT MIGHT BE. THE COUNSELOR MADE NO COMMENT ON KOIRALA'S HAVING BEEN DETAINED WITHOUT BEING

CONFIDENTIAL

PAGE 03 NEW DE 05724 212009Z

CHARGED OTHER THAT TO NOTE THAT THE CASE WAS BEING PUT TOGETHER FROM DIFFERENT PARTS OF THE COUNTRY FOR TRIAL BY A SPECIAL TRIBUNAL. RANA ALSO DID NOT COMMENT ON WHETHER THE TRIAL WOULD BE PUBLIC.

5. CONGEN CALCUTTA REPORTED THAT APPROXIMATELY 200 JANATA PARTY STUDENTS AND YOUTH ACTIVISTS STAGED A PEACEFUL DEMONSTRATION IN FRONT OF THE NEPALESE CONGEN IN CALCUTTA ON APRIL 19 ON BEHALF OF KOIRALA. THEY ATTEMPTED TO PRESENT A PETITION WHICH WAS REFUSED.

6. COMMENT: AS WE SAID AT THE OUTSET, WE DO NOT EXPECT THE GOI TO TAKE A PUBLIC POSITION ON THE KOIRALA CASE. NEVERTHELESS, J.P.'S STATEMENT ON KOIRALA COUPLED WITH THE PROTESTS OF THE CITIZENS' COMMITTEE AND JANATA PARTY YOUTH MUST CARRY SOME WEIGHT. IT IS POSSIBLE THAT AT SOME POINT THE GOI MIGHT SEEK TO RAISE THE CASE "PRIVATELY" WITH THE GON. THAT THE GOI MIGHT ATTEMPT TO BRING PRESSURE ON THE GON IN FAVOR OF KOIRALA THROUGH ITS

LEVERAGE ON ISSUES SUCH AS TRADE AND TRANSIT CANNOT BE
ENTIRELY FORECLOSED. IN SUM, WE SEE THE KOIRALA CASE AS
A FACTOR WHICH THE GOI WILL HAVE TO CONSIDER IN IMPLEMENTING
ITS DECLARED POLICY OF SEEKING TO IMPROVE INDIA'S
RELATIONS WITH NEPAL (NEW DELHI 4821).
SCHNEIDER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, POLITICAL PRISONERS, PRISONERS RELEASE
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977NEWDE05724
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770140-0431
Format: TEL
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770434/aaaabcnk.tel
Line Count: 122
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 175230a1-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 KATHMANDU 1618, 77 NEW DELHI 5201, 77 NEW DELHI 5518
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2738105
Secure: OPEN
Status: NATIVE
Subject: INDO-NEPALESE RELATIONS: THE PROBLEM OF HUMAN RIGHTS, THE B.P. KOIRALA CASE
TAGS: PFOR, SHUM, PINT, IN, NP
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/175230a1-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009